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ENDORSEMENT

BY ECF

Honorable Naomi Reice Buchwald
United States District Judge
500 Pearl Street
New York, NY 10007

The Court's Order of December 5, 2019 granting a third extension of discovery was deemed as a "FINAL EXTENSION." No explanation has been proffered for why plaintiff was not deposed shortly after the August 20, 2019 settlement conference or immediately after the FINAL EXTENSION. The Court will extend

Re: *Deshawn Gaddy v. City of New York, et al.*, 17 Civ. 8960 (NRB)

Your Honor:

The FINAL EXTENSION for thirty (30) days. If plaintiff is not produced for deposition so that the discovery schedule can be met, the case will be dismissed. So Ordered. Naomi Reice Buchwald, USDC 2/6/20

As the Court may recall, discovery in the above-referenced action is currently set to close at the end of this month. Accordingly, the parties had set plaintiff's deposition for February 5th, defendants' depositions for February 14th, and non-party depositions for February 26th. Unfortunately, I have not been able to get in contact with my client for the past few weeks despite strenuous efforts on my part, and we were unable to proceed with his deposition yesterday. We are also currently unable to conduct the remaining depositions because a) the parties agree that plaintiff's deposition should occur before defendants and the non-parties are deposed, and b) I cannot proceed with the case when I am unsure at this point whether I have a viable client.

Accordingly, plaintiff respectfully requests, with defendants' consent, that this matter be stayed for sixty days so that I can continue with my attempts to locate Mr. Gaddy. I am in touch with certain of his family members, so I do not believe that this will necessarily be a futile endeavor. I am very much cognizant of the patience that the Court has shown and Your Honor's very justifiable desire to move the case along. All I can say is that my clients' life circumstances are not always easy or simple, sometimes causing them to disappear and then reappear, and that I would hate for Mr. Gaddy to lose his opportunity to pursue this case because of whatever situation he may currently find himself in.

Thank you for your consideration of this request.

Respectfully,

/s

Rose M. Weber (RW 0515)

cc: Christopher DeLuca, Esq. (by ECF)